

REMARKS

Claims 1-33, 35, and 36 were pending in the application when last examined, all of which stand rejected. Claims 1, 15, 17, 18, and 20 are amended.

Claim Rejections – 35 USC §103

Claims 1-33, 35, and 36 are rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6,219,694 to Lazaridis (“Lazaridis”) in view of U.S. Patent No. 5,794,140 to Sawyer (“Sawyer”). The Office Action of October 27, 2008 (“the latest Office Action”) acknowledges that Lazaridis does not teach a user interface unit that generates and transmits a command for configuring a report or a mobile unit that automatically generates a report according to the command, formats the report and transmits the report to the user interface unit. However, the latest Office Action states that Sawyer teaches these elements that Lazaridis fails to teach (see the latest Office Action, page 2). In the section titled “Response to Arguments” starting on page 10 of the latest Office Action, the Examiner further elaborates on this rejection by stating the following:

The offering message in the Sawyer reference is equated to the ‘command’ in the claims. The automatic response to the offering message (col. 9, lines 58-59) is what is equated to the ‘report.’ The examiner would like to point out that the term ‘report’ is not specifically defined in the claims. Therefore, the examiner can define the term ‘report’ as any message, notification, or signal

Claim 1 is amended to specifically recite that “a report” is something that is generated using data about physical status of the mobile unit, wherein the data is collected by the mobile unit. Claim 1 recites that “... the mobile unit collects data about physical status of the mobile unit, automatically uses the data to generate a report” This limitation distinguishes Claim 1 from Sawyer because Sawyer’s automatic response to the offering message, which the Examiner equated to “the report,” is not something that is put together using physical status data that is collected by the mobile unit. Sawyer’s “mobile unit” is a cellular phone service subscriber device (e.g., mobile station 18). When Sawyer’s “mobile unit” receives an offering message from the cellular telephone system 10 indicating that a reduced charging rate is available, it either provides an alert to a user or responds to the broadcast offering message (Sawyer, col. 9, lines 56-65). Neither the alert nor the response to the broadcast offering message is prepared

using “data about physical status of the mobile unit” as recited in Claim 1. Furthermore, Sawyer’s mobile unit does not collect data about its physical status (e.g., position, on/off state). Thus, the alert and the automatic response to the broadcast offering message are both distinguishable from the “report” of Claim 1 and Claim 1 is patentable over Lazaridis and Sawyer.

Claims 3-14 depend from Claim 2 and are thus patentable over Lazaridis and Sawyer for at least the same reason as above.

Furthermore, Claim 3 is distinguishable from Lazaridis and Sawyer for the additional reason that it recites “a sensor for measuring a physical parameter.” Although the latest Office Action points to Lazaridis’ col. 2, lines 61-65 as disclosing this element, the cited section only talks about detecting an occurrence of a triggering event. Whether an event happened is not a physical parameter.

As for Claim 4, it is distinguishable from Lazaridis and Sawyer for the additional reason that it recites “a means for determining a position of the mobile unit.” Although the latest Office Action points to Lazaridis’ col. 8, lines 52-55 as disclosing this element, the cited section discusses repackaging and removing the outer envelope of a message and says nothing about determining a position of the mobile unit.

Claim 5 is distinguishable from Lazaridis and Sawyer because it recites “a receiver for receiving positioning data from satellites” Although the latest Office Action cites to Lazaridis’ col. 6, lines 2-6 as disclosing this element, the cited section lists various networks to which a WAN can be connected via a gateway and says nothing about receiving positioning data from satellites.

Claim 9 is patentable over Lazaridis and Sawyer because it recites that “the report format is changeable through the user interface unit.” The latest Office Action cites to Lazaridis’ col. 8, lines 11-25 as disclosing this element. However, given that the rejection is based on reading Sawyer’s response to a broadcast offering message as corresponding to “the report” (as clearly explained in the Response to Arguments section), it is unclear how Lazaridis’ col. 8, lines 11-25 disclose that the “format” of this automatic response is changeable through the user interface unit (“user interface unit” in Sawyer’s system would be the cellular telephone system 10 that generates the offering message). This rejection fails to establish a prima facie case of obviousness.

Similarly to Claim 9, the rejection to Claim 10 fails to establish a prima facie case of obviousness. Claim 10 recites that “the mobile unit reconfigures the report according to the command received from the user interface unit.” Again, the latest Office Action clearly explained that the “report” is being read as corresponding to Sawyer’s automatic response to an offering message and the “command” is the offering message. Given this reading, it is unclear how Lazaridis’ col. 6, lines 7-20 that is cited in the Office Action could teach or suggest that the mobile unit reconfigures the automatic response according to the offering message.

As for Claim 12, it recites that the system of the invention includes a peripheral data that includes “at least one of landmarks, maps, speed limits, and traffic light locations for the mobile unit to use as a positional reference in the report...” The latest Office Action rejected Claim 12 citing to Lazaridis’ col. 8, lines 52-55. However, this cited section says nothing about “landmarks, maps, speed limits, traffic light locations” or using a positional reference in the automatic response to the broadcast offering message (i.e., the “report”). Hence, Claim 12 is distinguishable from a combination of Lazaridis and Sawyer.

Claims 13 and 14 are rejected based on the same section of Lazaridis, namely col. 8, lines 52-55. However, Claims 13 and 14 recite that “the mobile unit adds landmarks to the database for use in the report” and “the user interface unit transmits one or more landmarks to the mobile unit for use as a positional reference in the report,” respectively, and the cited section fails to disclose or suggest anything about landmarks. Hence, Claims 13 and 14 are patentable over Lazaridis and Sawyer.

Independent Claim 15 is patentable over Lazaridis and Sawyer because it recites “a processor ... for generating a report incorporating the physical status.” If Sawyer’s response to broadcast offering message is read as “the report,” as explained in the Response to Arguments section, it does not incorporate a physical status. The invention, in contrast, generates a report that incorporates a physical status such as position information, whether the door is open or closed, speed, etc.

Claims 16-19 depend from Claim 15 and are thus patentable over Lazaridis and Sawyer for at least the same reason as Claim 15.

Further, Claim 18 is patentable over Lazaridis and Sawyer because it recites “a database for storing maps, traffic light locations, and landmarks for use as a positional reference in the location of the mobile unit.” Claim 18 is rejected over Lazaridis’ col. 8, lines 52-55. However,

as explained above in Claim 12, this cited section in Lazaridis says nothing about the recited limitations.

Independent Claim 20 is patentable over Lazaridis and Sawyer because it recites “obtaining data about physical status of a mobile unit” and “automatically preparing [a] report [that] ... incorporates the data.” The explanation provided above in reference to Claim 1 applies here.

Claims 21-33 depend from Claim 20 and are thus patentable over Lazaridis and Sawyer for at least the same reason as Claim 20.

Further, Claim 26 is patentable over Lazaridis and Sawyer also because it recites “reconfiguring the report in response to a command ... received in an e-mail format.” This rejection is made over Lazaridis’ col. 4, lines 62-66. However, given that Sawyer’s response to the broadcast offering message is the “report,” it is unclear how the cited section in Lazaridis teaches or suggests reconfiguring Sawyer’s offering message in reply to a command received in an e-mail format. The cited section in Lazaridis does not even mention receiving a reconfiguration command in an email format.

Independent Claims 35 and 36 are patentable over Lazaridis and Sawyer because they recite “obtaining physical data and positioning data” and “preparing a report using the physical data and the positioning data....” Given that Sawyer’s automatic response to a broadcast offering message is read as the “report,” it is unclear how Sawyer’s automatic response can be read as being prepared “using ... physical data and positioning data” These rejections fail to establish a prima facie case of obviousness.

One of the novel aspects of the invention is that compared to a “convention” system where a user interface unit (which is usually stationary) acts as the main data storage and a mobile unit is used as a convenient means for remotely retrieving data from the user interface unit, the mobile unit collects and stores data about the physical status of the mobile unit and the user interface unit (which may be stationary) is used to retrieve the data from the mobile unit. The data is retrieved by the user interface unit in the form of a report generated by the mobile unit, and the report can be configured and reconfigured from the user interface unit. This summarizes a fundamental difference between the invention and the systems described in Lazaridis and Sawyer.

Conclusion

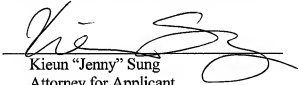
Based on the foregoing, Claims 1-33, 35, and 36 are now in condition for allowance. The Director is hereby authorized to charge any deficiency in fees, or credit any overpayment, to Deposit Account No. 50-2257. Please telephone the undersigned attorney at (408) 392-9250 if there are any questions.

Respectfully submitted,

MACPHERSON KWOK CHEN & HEID LLP

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By


Kieun "Jenny" Sung
Attorney for Applicant
Reg. No. 48,639

MACPHERSON KWOK CHEN & HEID LLP
2033 Gateway Place, Ste. 400
San Jose, CA 95110
Telephone: (408) 392-9250
Facsimile: (408) 392-9262